

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

WILLIE POOLE,

*

Plaintiff,

*

vs.

***CIVIL CASE NO. 2:05-CV-00774**

**AMERICAN INTERNATIONAL
GROUP, INC; et al.,**

*

Defendants.

*

MOTION TO REMAND

Plaintiff moves this Honorable Court, pursuant to 28 U.S.C. §1447, to remand this case to the Circuit Court of Montgomery County, Alabama, for the following reasons:

1. This Court lacks subject matter jurisdiction over this action.
2. There is no “federal question” to afford this Court jurisdiction pursuant to 28 U.S.C. §1331 because:
 - (a) This case does not arise under the Constitution, laws, or treatise of United States; and
 - (b) The only claims asserted by Plaintiff are for violations of Alabama law.
3. Removal is improperly based on the grounds of diversity of citizenship. Defendants Kathie Rowell and Latanya Kennedy have not been fraudulently joined and this Court should consider their citizenship.
4. Removal is improper, because Defendants fail to prove that the amount in controversy is satisfied.
5. These issues will be addressed in the Memorandum Brief filed with this Motion.

/s/ Charles Lance Gould
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Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I have filed the original of the foregoing document in this Court with copies to be served upon all Counsel of record as listed below by placing a copy of same in the United States Mail, first class, postage prepaid on this the 29th day of August, 2005.

/s/ Charles Lance Gould
OF COUNSEL

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